

in Drug 'Turf'

put tougher penalties on drug-related crimes.

Career Defendant: In the judicial ballgame, the traditional rule for prosecutors in noncapital cases is three strikes and you're out. But Gordon Novel is about to have the dubious honor of defending himself a fourth time on the same charge, after weathering a hung jury, a mistrial and an overturned conviction.

Novel, a former private eye, gun dealer and promoter, is best known as the "missing witness" in former New Orleans District Attorney Jim Garrison's crackpot theory of John Kennedy's assassination. Now Garrison's successor, Harry Connick, is making a fourth attempt to put Novel away in an equally bizarre case — conspiracy to firebomb part of New Orleans by balloons in behalf of a world's fair Novel was promoting.

But Novel's earlier conviction was overruled because of "tremendous conflicts" in government testimony; a key prosecution witness now says he was mistaken and tapes in government custody appear to have been tampered with, according to expert testimony.

Legal scholars say a fourth prosecution in a noncapital case is virtually unprecedented, and "raises the issue of retaliatory prosecution." Connick disagrees, insisting there is no intention to "persecute" Novel.